Remarks/Arguments

This Response is considered fully responsive to the Office Action mailed June 1, 2007. Claims 1-30 are pending in the application. Claims 1-30 stand rejected. In this Response, claims 2 and 19 are canceled without prejudice, and no new claims are added. Claims 1, 3, 15 – 18, 20 and 26 are amended for clarification. Claims 1, 3 – 18, and 20 – 30 are now pending in the application. Reexamination and reconsideration are requested.

Examiner Interview Summary

Agent for the Applicant appreciates the Examiner taking the time to participate in a telephonic interview conducted on Wednesday, July 25, 2007 at 11:00 a.m. E.T. Possible amendments were discussed with respect to claim 15 to overcome the rejection under 35 U.S.C. § 101. Elements of claims 1, 3, 15, 18, and 20 were discussed with respect to the Walker. Agreement was not reached with respect to the issues regarding the Walker reference.

Rejections Under 35 U.S.C. § 112

Claim 15 stands rejected under 35 U.S.C. § 112, identifying the second paragraph of the statute. The Office asserts that the term "processor-readable medium" lacks sufficient antecedent basis. Applicant respectfully disagrees; however, Applicant believes the current amendment to claim 15 renders the rejection moot.

As such, Applicant requests withdrawal of the rejection of claim 15 under 35 U.S.C. § 112.

Rejections Under 35 U.S.C. § 101

Claims 15-17 stand rejected under 35 U.S.C. § 101. Applicant respectfully disagrees. However, for purposes of clarification, the Applicant has amended claims 15 – 17. As amended claims 15 – 17 are believed to recite patentable subject matter for at least the reason that claims 15 – 17 recite a computer-readable medium that produces a useful, concrete and tangible result. Applicant respectfully requests withdrawal of the rejection of claims 15 – 17 under 35 U.S.C. § 101.

Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 1-30 under 35 U.S.C. § 102(b) as being unpatentable over Walker et al., U.S. Patent No. 5,963,911 ("Walker"). The Applicant respectfully disagrees with the Examiner's characterization of Walker. Applicant traverses the rejection. Applicant has amended certain claims for clarification.

Specifically, independent claims 1, 15, 18, and 26 have been amended such that for at least one task a plurality of resources are required. For example, claim 1 recites, in part, "wherein at least one of the selection criteria specifies an 'AND' relationship indicating that all of a plurality of specified resources are required"; claim 15 recites, in part, "wherein at least one of the selection criteria is an 'AND' relationship indicating that all of a specified plurality of the first resources are required to perform the first candidate task"; claim 18 recites, in part, "wherein at least one specified function is an 'AND' function indicating that all of a plurality of resource objects are required for the task"; claim 26 recites, in part, "wherein at least one of the tasks requires a plurality of resources, and wherein generating the cost of the at least one task is based on a probability that other tasks require one or more of the plurality of resources".

As presently understood by the Undersigned, Walker does not disclose calculating a cost based on multiple resources being required for at least one task. Walker's system relates to "allocating a given job to a given technician". In Walker's discussion, technicians are the resources that are being assigned to jobs. "The problem is to determine which of jobs J4, J5, J6, J7 technician T1 should be instructed to do next." See Walker, col. 6, ll. 24 – 26. Walker states "[f]or each possible allocation of a technician to a job, a '*technician/job*' cost, the cost of allocating *a given* job to *a given* technician is then estimated." Id., col. 6, ll. 64 – 67 (emphasis added).

Furthermore, a matrix is created that gives a cost score for "allocating *each* resource to *each* job in the matrix." Id., col. 8, ll. 6 – 7 (emphasis added). The matrices shown in Walker appear to assign each job to a row (or column) and each technician to a column (or row) and apparently do not allow for multiple technicians being allocated or required for a single job. T matrices match each job to each technician for "[e]ach combination of technician to job". Id., col. 7, ll. 35 – 37. None of the matrices match multiple technicians to a job.

For at least the foregoing reasons, Applicant respectfully submits that there is no teaching or reasonable suggestion of "...selection criteria to select from the one or more resources, and

wherein at least one of the selection criterion specifies an 'AND' relationship indicating that all of a plurality of specified resources are required" (claim 1); "wherein at least one of the selection criteria is an 'AND' relationship indicating that all of a specified plurality of the first resources are required to perform the first candidate task" (claim 15); "wherein at least one specified function is an 'AND' function indicating that all of a plurality of resource objects are required for the task" (claim 18); "wherein each task requires one or more resources, and wherein at least one of the tasks requires a plurality of resources, and wherein generating the cost of the at least one task is based on a probability that other tasks require one or more of the plurality of resources" (claim 26).

The Examiner cites column 2, lines 38 – 41 as purportedly teaching an 'AND' relationship indicating that all of the one or more tasks or resources are required. Office action, page 4. The cited section is reproduced here:

> "A group of jobs which are closely related may be represented by a single job in the calculation of cost scores, other jobs of the group being assigned to the same resource if they are compatible."

The foregoing passage discusses the possibility that one technician (i.e., resource) could be assigned to multiple jobs. By contrast, the amended independent claims relate to determining a cost when multiple resources are required to perform a task. As such, the foregoing section of Walker appears to the Undersigned to be the opposite of requiring a plurality of resources for a task and developing a cost based on such a requirement.

For at least the foregoing reasons, Applicant believes Walker fails to teach or reasonably suggest all the elements of each of the independent claims. As such Walker fails to anticipate or render obvious the independent claims and their dependent claims. Applicant respectfully requests withdrawal of the rejections.

Conclusion

Applicant have fully responded to each and every rejection in the Office action dated June 1, 2007 and believe that claims 1, 3 – 18, and 20 – 30 are in a condition for allowance. Therefore, Applicant respectfully request that a timely Notice of Allowance be issued in this case.

The Applicant believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 50-3199 as necessary.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney. If the Examiner believes any issues could be resolved via a telephone interview, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

___July 30, 2007_____   _/Damon A. Rieth/_____
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